

UCLA Faculty Association

News and opinion from Dan Mitchell since 2009

Tuesday, April 30, 2024

Notice Being Passed Out at the Encampment

The Council of UC Faculty Associations

- FAQs for Senate Faculty about Possible Strike by UAW May 2024
- CUCFA Statement On Campus Protests
- We Support BOARS Math Requirements Recommendation
- Support AB-2349 – The Cal-Bridge Program
- Drop the Charges Against January Regents' Meeting Protestors

Remaking the University

- The Authoritarian Personality Comes to College - 5/2/2024
- The New McCarthyism Intensifies - 4/30/2024
- THE STRIKE - 12/6/2022

Higher Ed. News & Commentary

- Chronicle of Higher Education
- Inside Higher Education
- Remaking the University
- Changing Universities
- California Professor

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APRIL 30 MESSAGE FOR THOSE IN UCLA ENCAMPMENT

We remain committed to supporting the safety and wellbeing of Bruins, supporting the free expression rights of our community, and minimizing disruption to our teaching and learning mission.

The established encampment is unlawful and violates university policy.

For non-UCLA affiliates: Please be aware that your presence on campus as a non-affiliate engaged in an encampment violates the law and constitutes criminal behavior subject to misdemeanor charges.

California Education Code section 92440.5, and the **regulations** it authorizes, limit the conduct of people who are not students or employees of the University of California on university property. Violations of these regulations are punishable as a misdemeanor.

Anyone not affiliated with the university who chooses to come to campus should keep these **regulations** in mind. For example, any sign or flag must be smaller than 30 x 30 inches and on poles shorter than 18 inches (section 100014). No masking (section 100013-L) or camping (section 100005) is allowed.

California Penal Code 148(a)(1) makes it a crime willfully to resist, delay or obstruct peace officers or EMTs who are performing their official duties. This offense is a misdemeanor punishable by up to one year in county jail and fines of up to $1,000.00.

Law enforcement is on hand to protect and keep safe demonstrators, counter-demonstrators, students, faculty, staff, non-affiliates and everyone in the campus and off-campus community. Law enforcement is prepared to arrest individuals, in accordance with applicable law.

Non-UCLA persons are notified to leave the encampment and depart the campus immediately.

Students, staff and faculty who have joined the encampment should identify themselves, if requested, to university officials or security personnel, including law enforcement officers. We are asking students, staff and faculty to leave the area. Those who choose to remain — including both students and employees — could face sanctions. For students, those sanctions could include disciplinary measures such as interim suspension that, after proper due process through the student conduct process, could lead to dismissal. Faculty disciplinary actions would be handled through Senate judiciary committees and Academic Affairs and Personnel, and staff employee disciplinary actions would be handled through Human Resources.

UCLA students should also be aware that there are procedures in place for them to request spaces for gathering and demonstration at https://events.ucla.edu/, and the university has been very accommodating of these requests. Students are encouraged to use these familiar processes to engage in peaceful protests and demonstrations.

Source: https://dailybruin.com/2024/04/30/ucla-declares-encampment-unlawful-states-potential-consequences-for-participants.

Posted by California Policy Issues at 5:13 PM No comments:  

Labels: UCLA

Who is "we"?

The BruinAlert system was designed to notify folks of emergency situations on campus such as fires, earthquakes, or other incidents. For example, here is a BruinAlert notification from August 9th of last year:

===

BruinALERT: AVOID THE AREA of SCHOENBERG. Emergency crews are On Scene. Expect traffic delays, consider alternate routes, and allow for additional travel time. Follow the direction

Search

UC Faculty Associations

- UCLA Faculty Association
- UCSB Faculty Association
- UCSC Faculty Association
- UCB Faculty Association
- Council of UC Faculty Associations

Other Faculty Organizations

- American Association of University Professors
- California Faculty Association (NEA)
- UC-AFT

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of public safety personnel.

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In the last few days, absent any statements by the chancellor (or anyone in Murphy Hall), the BruinAlert system seems to have become a system of dissemination of policy and emotion as well as news of the day. Here, for example, is yesterday's alert:

===

*BruinALERT: UCLA has a long history of peaceful protest and **we are heartbroken** to report that yesterday, some physical altercations broke out among demonstrators on Royce Quad.*

*We have since instituted **additional security measures** and increased the numbers of our safety team members on site, including our uniformed Student Affairs Mitigators (SAMs), Public Safety Aides (PSAs), CSC and campus security.*

*As an institution of higher education, we stand firmly for the idea that even when we disagree, we must still engage respectfully and recognize one another's humanity. **We are dismayed** that yesterday certain individuals instead chose to jeopardize the physical safety of the community.*

===

It is not clear who is "we" in this message, but it has aspects of the Royal We. Wouldn't it be better if the chancellor just issued statements directly?

Posted by California Policy Issues at 6:00 AM No comments:  

Labels: UCLA

The outlook is BREIT says BREIT

From time to time, we look in at the Blackstone Real Estate Investment Trust (BREIT) in which UC invested $4.5 billion in a kind of bailout during a slow-motion run on the bank. UC was supposed to get a guaranteed super-normal return. In an earlier post, we noted that this extra return was somehow being put on a tab rather than immediately paid out. Only one Regent asked if maybe this was an overly-risky deal.

It appears now that BREIT is able to handle the remains of the run, i.e., net withdrawals which continue, without rationing. But withdrawals continue. From the Wall St. Journal:

propositions (132) faculty center (132) controller (128) UC-Riverside (126) UC-San Francisco (126) CalPERS (120) Master Plan (99) faculty pay (99) UC-Merced (96) Yudof (89) UCRS retirement (60) privatization (59) parking (57) Faculty Association at UCLA (56) CalSTRS (50) UC Berkeley (32) campus climate survey (28) copyright (25) UCRS (21) Michigan Model (18) UC Merced (17) uc funding (16) State Contribution (14) UCOF (14) Regents (13) faculty recruitment (12) UC pay (7) graduate education (6) UC San Diego (5) UCpolitics (3) teaching evaluation (3) UC Irvine (2) UC Santa Cruz (2)

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For signs that the turbulent commercial real-estate market is beginning to stabilize, look at Blackstone's largest real-estate fund, known as Breit. The firm was able to fulfill all investor redemption requests in February and March for the first time since late 2022, when a flurry of withdrawals compelled it to limit how much it could pay out. "We believe commercial real estate is at an inflection point, with real estate values bottoming," Blackstone said in an April letter to Breit shareholders, who are mostly individual investors.

But that is only part of the story. Breit fundraising hasn't returned to its previous robust levels. Investor withdrawals continue to greatly exceed new cash coming in, a sign of lingering worries about the backdrop for commercial properties. Financial advisers who work with individual investors say most of their clients remain wary of commercial real estate, citing recent turbulence in the market and the latest signals from the Federal Reserve that it might not cut interest rates this year. Investors also fret over rising default levels and over supply that is putting downward pressure on apartment rents in some markets...

Full story at https://www.wsj.com/real-estate/commercial/blackstone-breit-real-estate-fund-investor-redemptions-544ac28c.

Posted by California Policy Issues at 5:00 AM No comments:   

Labels: endowment, pension, UC, UC Regents

Monday, April 29, 2024

Waiting It Out?

UC-Berkeley is on a semester system, so only a few more days of class remain. UCLA is on a quarter system with the spring quarter ending in June. Both have lame-duck chancellors who are soon to retire.

Waiting out those protesting in the encampment might work at Berkeley, although there is still a graduation to worry about. It seems less likely to work at UCLA (which also has a graduation to deal with).

In both cases, of course, there is the background of the Regents having rejected the protesters' demands last Friday.

NY Times columnist David French had this comment on the wait-it-out approach:

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...At this moment, one has the impression that university presidents at several universities are simply hanging on, hoping against hope that they can manage the crisis well enough to survive the school year and close the dorms, and praying that passions cool over the summer.



Police Watching Encampment & Counter Demonstration 4-28-2024

That is a vain hope. There is no indication that the war in Gaza — or certainly the region — will be over by the fall. It's quite possible that Israel will be engaged in full-scale war on its northern border against Hezbollah. And the United States will be in the midst of a presidential election that could be every bit as contentious as the 2020 contest.

But the summer does give space for a reboot. It allows universities to declare unequivocally that they will protect free speech, respect peaceful civil disobedience and uphold the rule of law by protecting the campus community from violence and chaos. Universities should not protect students from hurtful ideas, but they must protect their ability to peacefully live and learn in a community of scholars. There is no other viable alternative.

Full op ed at https://www.nytimes.com/2024/04/28/opinion/protests-college-free-speech.html.

Obviously, Chancellor Block would like to be remembered for, say, the research institute that will be developed at the Westside Pavillion or having navigated the COVID pandemic. But you have to play the cards you have been dealt.

Posted by California Policy Issues at 5:00 AM No comments:  

Labels: UC Regents, UC-Berkeley, UCLA

Sunday, April 28, 2024

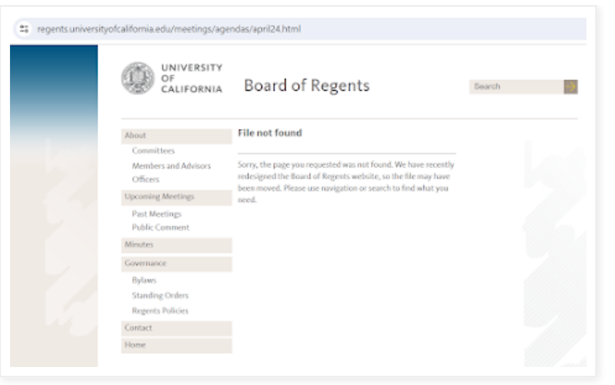
What did the Regents Do?

As blog readers will know, after their Friday closed-door meeting, the Regents released a statement saying they would not divest. And they would not allow a UC academic boycott.* But you had to prowl around on the various UC websites to find the regental statement. Today's LA Times, however, carries an article on that statement, so now the protesters know.

As blog readers will also know, the Regents never released an agenda for their meeting. When you click on the supposed link for the agenda, you get "file not found" as the image on this post shows.

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So, we don't know for sure what was discussed, apart from divestment and boycotting. However, there is this clue in the LA Times article:

...One member of the UC Board of Regents said Saturday the anti-Israel campaign would go nowhere. "We're never going to divest," said the regent, who spoke on condition of anonymity. The regent was not in favor of moving to dismantle protest encampments, saying escalation would be unwise, but added that board members planned to have discussions this summer about what should be the proper time, place and manner of protests...

Full story at https://www.latimes.com/california/story/2024-04-27/uc-rejects-calls-for-israel-related-divestment-boycotts-driving-pro-palestinian-protests.

So, the best guess is that the Regents have left it to the various UC chancellors to figure out what to do and may not be keen on pushing for dismantlement. They may want to avoid scenarios such as have occurred at Columbia and USC where police were called. Recently, the president of MIT said the encampment there would have to end soon, but she left the deadline fuzzy. See below:



Or direct to https://ia801406.us.archive.org/35/items/a-laugh-a-tear-a-mitzvah/MIT%20Community%20Message%20from%20President%20Kornbluth.mp4.

The thinking at UC may be that the encampment will somehow dissipate if left as is. And the various UC chancellors may not want to be the first to take more aggressive action, even at the MIT fuzzy level. But the situation could escalate rather than just fade away.

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Contributors

- California Policy Issues
- Toby Higbie
- UCLA Faculty Association

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So far, Chancellor Block has said nothing. The latest BruinAlert has some information:

BruinALERT: Regular campus activities continue uninterrupted by the encampment demonstration that remains in Royce Quad. To date, the activity has been mostly peaceful. Our approach continues to be guided by several equally important principles: the need to support the safety and wellbeing of Bruins, the need to support the free expression rights of our community, and the need to minimize disruption to our teaching and learning mission. These same long-standing principles have allowed UCLA to uphold a history of peaceful protest.

UCLA is following University of California systemwide policy guidance, which directs us not to request law enforcement involvement preemptively, and only if absolutely necessary to protect the physical safety of our campus community.

We've taken several steps to help ensure people on campus know about the demonstration so they can avoid the area if they wish. This includes having student affairs representatives stationed near Royce quad to let Bruins and visitors know about the encampment, redirect them if desired and to serve as a resource for their needs.

We also have safety teams who are wearing Student Affairs Mitigators (SAMs), Public Safety Aides (PSAs) and CSC security uniforms throughout the demonstration site. You may also hear helicopters dispatched by news media who are covering the demonstration.

For more information about emergencies at UCLA, please visit https://bso.ucla.edu/.
==

*https://uclafacultyassociation.blogspot.com/2024/04/all-is-wellfor-now.html. As we have noted previously, the official rationale for having a closed-door meeting was "litigation." But we know at least part of the agenda was investment policy and boycott policy. While any policy decision could conceivably lead to litigation, it is hard to see how such policies carry a significant litigation risk.

Posted by California Policy Issues at 8:02 AM No comments:

Labels: Columbia, endowment, MIT, pension, UC Regents, UCLA, USC

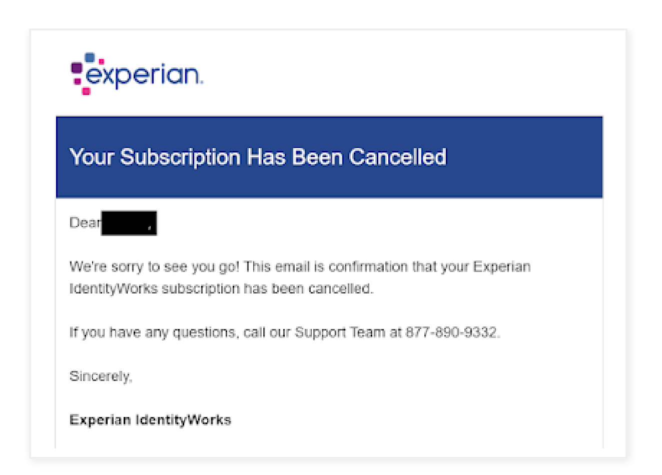
Mysterian - Part 3

In prior posts, we have noted that some people have had difficulty in enrolling in the free Experian credit monitoring UC is providing. Yours truly noted that after enrolling, he received the message included with this post saying his new account had been cancelled - which it wasn't although the password had to be reset.

Despite the hurdles, I still think on balance its worth going through whatever hassle you encounter to enroll. And I recommend, in any case, freezing your credit to avoid identity theft.

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The threats are out there. United Healthcare (which covers some UC participants) has reported a large data breach, for example:


experian.

Your Subscription Has Been Cancelled

Dear [redacted]

We're sorry to see you go! This email is confirmation that your Experian IdentityWorks subscription has been cancelled.

If you have any questions, call our Support Team at 877-890-9332.

Sincerely,

Experian IdentityWorks

UnitedHealth Group said [last] Monday that hackers stole health and personal data of potentially a "substantial proportion" of Americans from its systems in February, as the largest U.S. health insurer scrambles to contain the damage.

The intrusion at its Change Healthcare unit, which processes about 50% of U.S. medical claims, was one of the worst hacks to hit American healthcare and caused widespread disruption in payment to doctors and health facilities.

The disclosure suggests patients' healthcare information remains vulnerable. An initial review of the compromised data showed files with protected health information or personally identifiable information "which could cover a substantial proportion of people in America," the company said in a statement on its website.

That theft on Feb. 21 occurred despite a ransom payment...

Full story from Reuters at https://www.reuters.com/technology/cybersecurity/unitedhealth-says-hack-could-impact-data-substantial-proportion-americans-2024-04-22/.

And if you don't gete coverage from United Healthcare, perhaps you do get it from Kaiser:

Health insurance giant Kaiser Permanente apologized to 13.4 million of its members that some of their search information may have been inadvertently transmitted to Google, other search engines and media platforms...

Full story at https://www.latimes.com/california/story/2024-04-26/kaiser-permanente-notifies-13-4-million-members-of-data-breach.

To sum it all up, we all could be at risk:

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Or direct to https://www.youtube.com/watch?v=rht-uyWidu0.

Posted by California Policy Issues at 5:00 AM No comments:  

Labels: email fraud, health care, UC

Saturday, April 27, 2024

All is well...for now



You might be wondering where Chancellor Block was doing yesterday after the Regents met behind closed doors to discuss campus unrest. (There is still no agenda listed for that meeting.)

Nonetheless, the Regents *did* issue a statement after the meeting which may well lead to further protests:

University of California statement on divestment

UC Office of the President, April 26, 2024

The University of California shared the following statement today, Friday, April 26, 2024:

The University of California has consistently opposed calls for boycott against and divestment from Israel. While the University affirms the right of our community members to express diverse viewpoints, a boycott of this sort impinges on the academic freedom of our students and faculty and the unfettered exchange of ideas on our campuses.

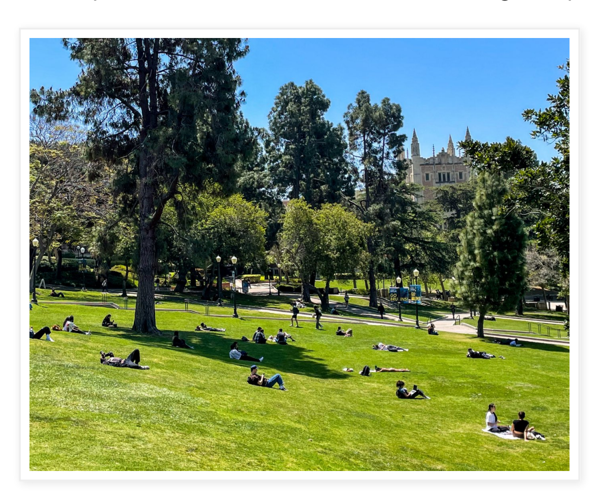
UC tuition and fees are the primary funding sources for the University's core operations. None of these funds are used for investment purposes.

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Through careful management of the University's retirement and endowment funds, UC Investments provides a stable and growing revenue stream that benefits current and retired employees and supports the University's education, research, and public service mission.

Source: https://www.universityofcalifornia.edu/press-room/university-california-statement-divestment.

You would, however, never guess that anything out of the ordinary was happening on campus. The UCLA website featured photos, such as the one below, showing tranquil campus scenes.



Source: https://twitter.com/UCLA/status/1783958014564667411/photo/1.

The UCLA Newsroom webpage featured a story about a graduate student engaged in Indigenous-led reforestation of L.A.:



https://newsroom.ucla.edu/stories/ary-amaya-indigenous-led-reforestation-los-angeles.

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And what was the chancellor doing? A video of the chancellor was posted last night welcoming next year's transfer students, complete with a burst of confetti:



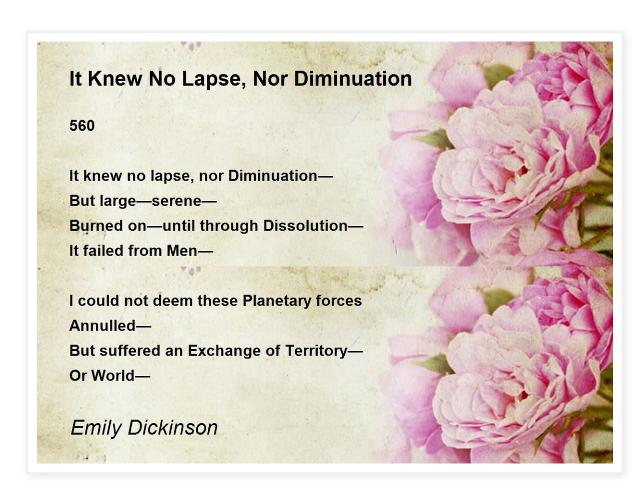
Or direct to https://twitter.com/UCLAchancellor/status/1784010533521502489.

So, I guess all is well (for now).

Posted by California Policy Issues at 7:33 AM No comments:

Labels: endowment, pension, UC Regents, UCLA

No Lapse



For those planning to retire, the "No lapse in pay" retirement option provides protection against delays in switching from the payroll to the pension. From UCNet:

The "no lapse in pay" option guarantees the continuation of income and medical and dental benefits (if you're currently enrolled, and eligible for benefits as a retiree) as you transition to retirement. If you're approved as a July 1 retiree, you will receive your first retirement benefit payment on August 1. Employees interested in this option must submit all required documentation by the appropriate

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deadline and meet eligibility requirements (see Before you apply). The deadline to apply for no lapse in pay for a July 1 retirement is May 13, 2024.

For more information, go to https://ucnet.universityofcalifornia.edu/benefits/retirement/retirement-planning-resources/the-no-lapse-in-pay-retirement-option/.

Posted by California Policy Issues at 5:00 AM No comments:

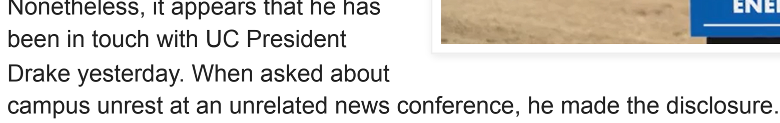
Labels: health care, pension, uc retirement

Friday, April 26, 2024

Gov. Newsom on California Campus Unrest



Although he is an *ex officio* Regent, it is doubtful - but not impossible - that Gov. Newsom is on the Zoom call with other Regents discussing campus unrest today. Unlike his predecessor, he does not attend Regents meetings except for one closed meeting in which he complained that UCLA was changing football conferences, possibly at the expense of UC-Berkeley.



Nonetheless, it appears that he has been in touch with UC President Drake yesterday. When asked about campus unrest at an unrelated news conference, he made the disclosure.

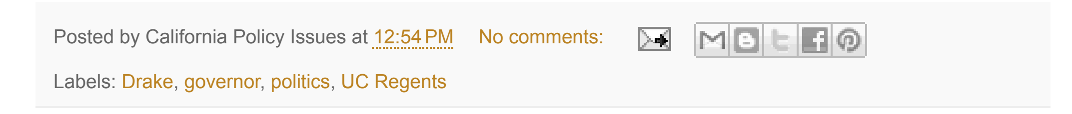
You can see his remarks at the video below:

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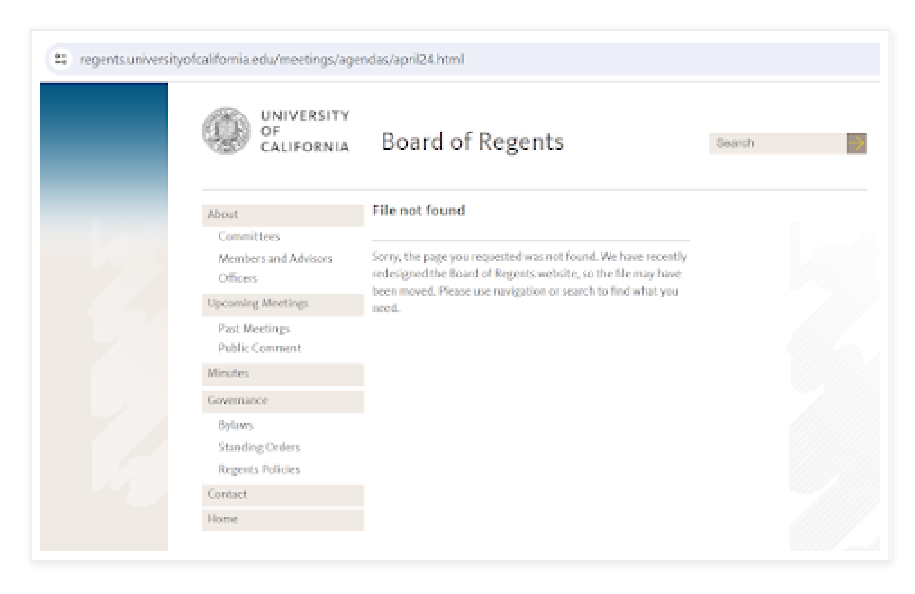
Or direct to https://www.youtube.com/watch?v=IDzIzRZacqA.

Posted by California Policy Issues at 12:54 PM No comments:



Labels: Drake, governor, politics, UC Regents

No Agenda? No Statements?

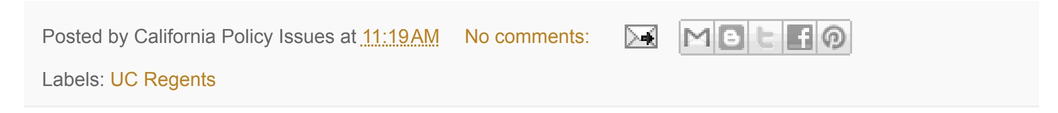


At the time of this posting, the special meeting of the Regents to discuss campus unrest is to begin in about 20 minutes. It is closed door, but usually closed-door meetings have agendas posted. For example, when pending litigation is discussed, there is a listing of the legal cases

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involved. Today's meeting, however, seems to have no agenda as the image above shows. When you click on the agenda link, the image above is what you get.

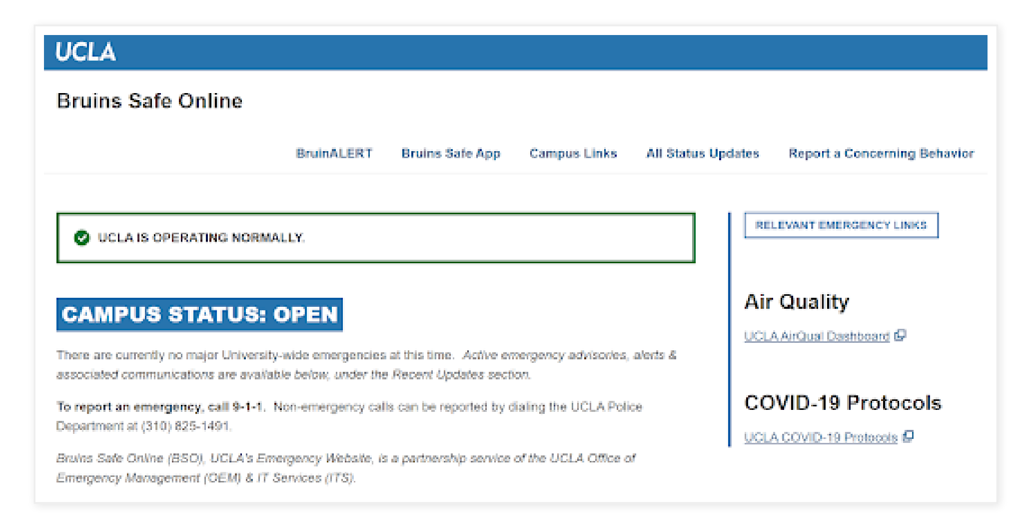
There is also radio silence on the UC systemwide websites and the UCLA website. No statement has been issued by the systemwide Academic Senate. Maybe everyone is waiting for the Regents to act. ????

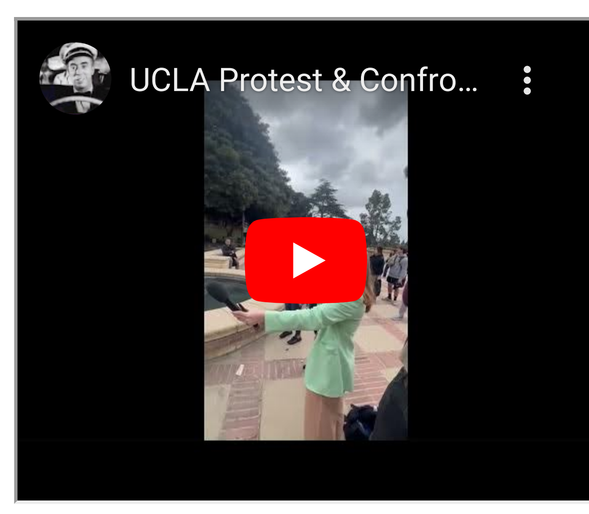


Posted by California Policy Issues at 11:19 AM No comments:

Labels: UC Regents

Everything Normal - Nothing to See Here





Or direct to https://www.youtube.com/watch?v=z-z0uiP_AMg.

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Posted by California Policy Issues at 6:44 AM No comments:  

Labels: UCLA

Today's Regents Meeting



NOTICE OF SPECIAL MEETING

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Date: **April 26, 2024**
Time: **11:30 a.m.**[1]
Locations: *For teleconference locations, please visit https://regents.universityofcalifornia.edu/meetings/agendas/april24.html*

Agenda – Closed Session

B1(X) Action Update on Safety Concerns on Campuses

Closed Session Statute Citation: Litigation [Education Code §92032(b)(5)]

As blog readers will know, the Regents are having a special Zoom meeting today to discuss campus unrest. But it's a closed-door meeting with the rationale for closing being "litigation." (Are there ever *any* policy issues the Regents discuss which couldn't conceivably lead to litigation?)

All we know is that there will be at least 18 people in attendance - some may not be Regents - based on the Zoom addresses - most of which appear to be office buildings:

1747 Pennsylvania Avenue, Washington, D.C.
400 Q Street, Sacramento, CA [May be a CalPERS office]
1680 East 120th Street, Los Angeles, CA [MLK hospital]
3333 North Torrey Pines Ct, La Jolla, CA
5200 Lake Road, BSP. 187, Merced, CA [UC-Merced]
1004 Holton Road, Holtville, CA [farm in the middle of Imperial County]
655 West 18th Street Merced, CA [Seems to be a UC-Merced office building]
4751 Wilshire Blvd., 3rd floor, Los Angeles, CA
455 Golden Gate Avenue, San Francisco, CA
500 S. Buena Vista Street, Burbank, CA [Probably Disney building]
6374 Coral del Rico Nayarit, Mexico [possible typo in this address]
8105 Hickory High Court, Ellicott City, MD
465 California Street, Suite 611, San Francisco, CA
550 S Hope St., Los Angeles, CA
6085 State Farm Drive, Rohnert Park, CA
12011 San Vicente Blvd., Suite 606, Los Angeles, CA [David Geffen Foundation]
3200 Sawtelle Blvd, Los Angeles, CA [May be UCLA student housing]
433 South Spring Street, Los Angeles, CA [UCLA's new office building downtown]

Source: https://regents.universityofcalifornia.edu/meetings/agendas/april262024.html.

Posted by California Policy Issues at 5:30 AM No comments:

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Labels: UC Regents

It keeps happening...



Will the Regents eventually take note? From Inside Higher Ed:

Cornell University announced yesterday that it would once again require standardized test scores from applicants, the latest in a wave of selective institutions to do so. The policy change, which will take effect next application cycle, is the culmination of a two-year "period of deliberate experimental review" Cornell entered in 2022, when it extended its test-optional policy through 2024, and is based in part on internal research conducted since then.

Cornell offered a similar justification as other Ivy League colleges returning to testing requirements, including Yale and Dartmouth College: that not only are scores better indicators of academic success than factors such as GPA, but they can also help admissions officers take notice of students from under-resourced high schools who might otherwise struggle to stand out. Test-optional policies, on the other hand, "may undermine equity in admissions" by discouraging score submission among less privileged applicants, the research report concluded.

Source: https://www.insidehighered.com/news/quick-takes/2024/04/23/cornell-reinstates-testing-requirements.

What Cornell is saying now is what a UC Academic Senate report said back before the Regents abolished the test requirement.

Posted by California Policy Issues at 5:00 AM No comments:

Labels: admissions, Cornell, UC Regents

Thursday, April 25, 2024

It has arrived

From an email received around 10 am:

BruinALERT: *A demonstration with encampments formed early this morning (Thursday, April 25) in Royce Quad.*

We're actively monitoring this situation to support a safe and peaceful campus environment that

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respects our community's right to free expression while minimizing disruption to our teaching and learning mission.

At this time, the typical campus teaching and learning activities will continue as usual and classes will be held as planned.

Access to Royce Hall and Powell Library has been restricted. Students who need to access Royce Hall should be ready to show their Bruin Card for entry.

For more information about emergencies at UCLA, please visit https://bso.ucla.edu/.



Posted by California Policy Issues at 10:25 AM No comments:   

Labels: UCLA

Circumventing the Regents - Part 3



We have previously blogged about a legislative attempt to have UC do what the Regents ultimately voted against doing: opening jobs to undocumented students. LAist carries a detailed account of what led UC and the Regents to drop the effort to change its internal rules to accommodate such job openings.

...UC President Michael Drake "basically put the fear of God in everybody in saying that we were going to get sued, we were going to lose all this money," UC Regent Jose Hernandez [said]...

Included in the account is a letter from UC to the legislative committee involved laying out its legal position:

April 3, 2024

The Honorable Mike Fong Chair,

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Assembly Higher Education Committee

1020 N Street, Room 173 Sacramento, CA 95814

RE: AB 2586 (Alvarez), as amended on April 1, 2024 Scheduled for hearing in the Assembly Higher Education Committee on April 9, 2024

Position: CONCERN

Dear Chair Fong, The University of California has a long history of supporting undocumented students by advocating for and enacting numerous programs and policies that assist them in achieving their educational goals. For example, the University has campus-based support centers, provides access to legal services, and supplies financial aid to students not eligible for federal loans (Dream Loan Program). The University also continues to advocate for state and federal policies that bring in additional resources and funding for undocumented students. The aim of AB 2586 is to address employment opportunities for undocumented students in higher education. This is a critically important issue to the University and President Michael Drake has stated his public support for finding a robust legal path to do so.

Last year, a working group of the Regents of the University of California studied this issue and sought a legal path forward. However, after receiving advice from both inside and outside legal counsel, we concluded that there were considerable risks for the University and the students we aim to support. This led the Regents to postpone further action until next year while we continue to examine ways to expand undocumented students' access to equitable educational experiences.

While the University supports the author's aim to provide equitable student employment opportunities, there are outstanding concerns about AB 2586 and how to implement such a policy. Those concerns include:

- The exposure of our undocumented students and their families to the possibility of criminal prosecution or deportation;

- The possibility of employees involved in the hiring process (i.e., faculty, human resources, and legal professionals) being subject to criminal or civil prosecution if they knowingly participate in practices deemed impermissible under federal law;

- Civil fines, criminal penalties, or debarment from federal contracting if the University is in violation of the Immigration Reform and Control Act (IRCA); and

- The potential loss of billions of dollars in existing federal contracts and grants that are conditional on IRCA compliance. Unfortunately, AB 2586 does not protect our undocumented students or employees from prosecution, nor does it protect the University from the risk of potentially losing billions in federal dollars. While the University is not opposed to AB 2586, or the goal to provide employment opportunities to undocumented students, we share the concerns above because we would welcome working with the author and Legislature on other legal options to support these students.

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In the meantime, the University is rolling out a new fellowship program that will provide experiential learning opportunities and financial support to undocumented students, and we would be pleased to share additional details on this exciting effort.

Thank you for your consideration. If you have any questions about the University's concerns regarding AB 2586, please contact me at 916-445-5579.

Sincerely, Mario Guerrero Legislative Director

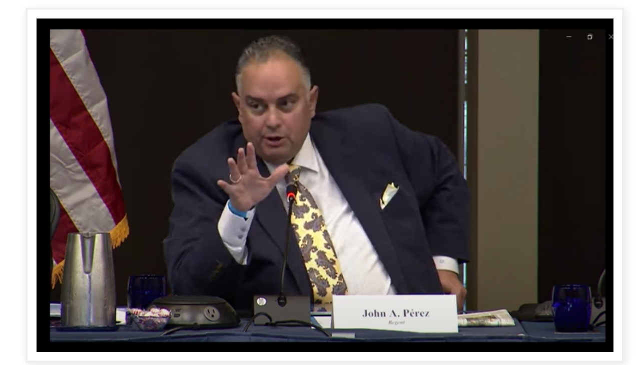
cc: Vice Chair and Members, Assembly Higher Education Assemblymember David Alvarez, President Michael Drake

Source: https://laist.com/news/education/uc-pledged-to-let-undocumented-students-get-jobs-then-changed-course-whats-next.

Posted by California Policy Issues at 5:30 AM No comments:   

Labels: diversity, legislature, politics, UC Regents

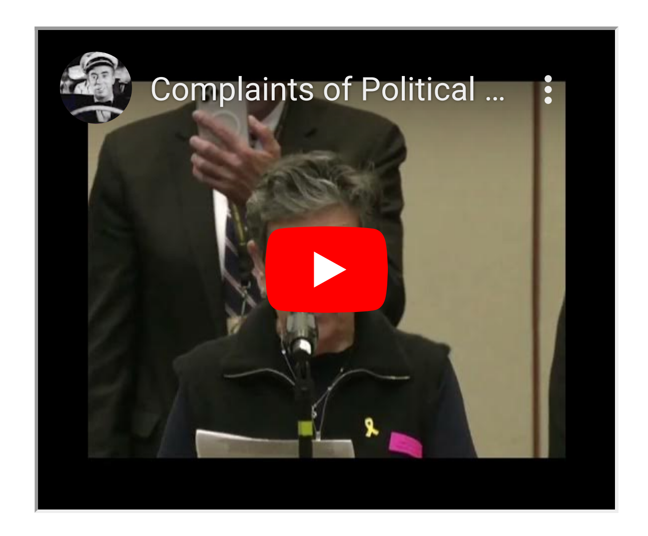
Not Together



On Monday, we noted an interfaith get together, part of an effort at UCLA to avoid the kind of turmoil now roiling Columbia and some other universities.*

While such efforts at UCLA are Good Things to be applauded, there are still issues on campus, apparently centered in the Med School, according to some faculty there who testified at the Regents during the public comments segment on April 10th. See below:

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Or direct to https://www.youtube.com/watch?v=Y-yETpjZt2c.

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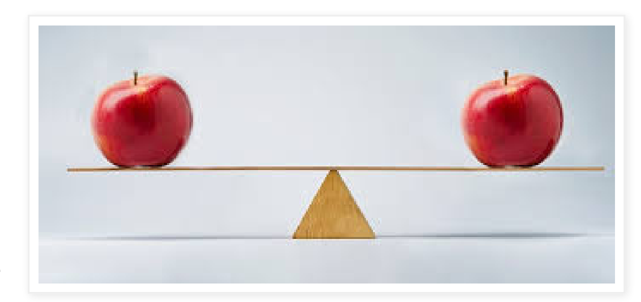
*https://uclafacultyassociation.blogspot.com/2024/04/get-together.html.

Posted by California Policy Issues at 5:00 AM No comments:

Labels: health care, UCLA

Wednesday, April 24, 2024

Apples to Apples



UC is planning to embark on a "total remuneration" study of faculty pay, i.e., a study that compares the total value of salary and benefits with those of other universities. While salary comparisons are relatively easy, valuing the various benefits that are offered is more complicated. The Academic Senate is insisting that the survey be done using the same methodology as an earlier study done ten years ago, an apples-to-apples approach.

...The Senate believes that it is critical for the 2024 results for faculty be compared directly with the 2014 results to determine precisely how UC's total remuneration competitiveness was affected by adopting the 2016 Retirement Tier and its PEPRA cap. The only way that a valid comparison can be made is to replicate the methodology used in the 2014 study. To fail to do so would confound the effects of retirement plan changes with changes in study methods, likely

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yielding erroneous estimates of the effect of retirement plan changes on UC's competitiveness. ***The Senate will not accept the results of a confounded study.***

Second, because the recruitment of outstanding faculty is more of a campus-based process than a systemwide process, the Senate has asked for a breakdown of total remuneration by campus. Divisional Senates want to know how their total remuneration has changed over the past ten years, not only relative to external peers, but also to other UC campuses. Again, no such valid comparisons can be made unless the methodology for the 2024 study mirrors the 2014 study, where data for each UC employee occupies a row of a spreadsheet...

Full statement at https://senate.universityofcalifornia.edu/_files/reports/js-cl-total-remuneration-study-2024.pdf.

The sentence saying the Senate won't accept a study with changed methodology is pretty definitive. If anyone was planning a change, all we can say is how do you like them apples?



Or direct to https://www.tiktok.com/@englishmakesnosense/video/7095855518572399915.

Posted by California Policy Issues at 5:30 AM No comments:

Labels: faculty pay, UC

The Regents are meeting Friday

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NOTICE OF SPECIAL MEETING

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Date: April 26, 2024
Time: 11:30 a.m.[1]
Locations: *For teleconference locations, please visit* *https://regents.universityofcalifornia.edu/meetings/agendas/april24.html*

Agenda – Closed Session

B1(X) Action Update on Safety Concerns on Campuses

Closed Session Statute Citation: Litigation [Education Code §92032(b)(5)]

The Regents are now scheduled for a closed-door meeting about you-know-what.

Source: https://regents.universityofcalifornia.edu/meetings/agendas/april262024.html.

Posted by California Policy Issues at 5:00AM No comments:  

Labels: UC Regents

Tuesday, April 23, 2024

Mysterian - Part 2

experian.

Your Subscription Has Been Cancelled

Dear [redacted]

We're sorry to see you go! This email is confirmation that your Experian IdentityWorks subscription has been cancelled.

If you have any questions, call our Support Team at 877-890-9332.

Sincerely,

Experian IdentityWorks

We recently posted about issues people were having with enrolling or staying enrolled with Experian, the credit rating service.* A blog reader emailed me with concerns about the more general issue of being enrolled with Experian. My response:

The university has made you eligible to enroll with Experian for free. It hasn't enrolled you. That is your choice. So if you don't want to enroll, you don't have to. Normally, people who choose to enroll with Experian pay for the service. If you choose to enroll, you get it free - presumably at the university's expense. It is true that when you enroll, you have to give personal information such as your Social Security number. But Experian already has that information. Anyone who has ever gotten a credit card, mortgage, etc., is already recorded at Experian and the other credit rating companies. So,

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giving the information when you enroll is essentially an ID check to see if you are really who you say you are.

What I would suggest doing, whether you enroll or not, is to freeze your credit. You don't need to enroll to freeze your credit. Thanks to the various data breaches that have occurred at UC and elsewhere, bad actors already have your information. Freezing your credit will make identity theft less likely. Freezing your credit won't 100% stop all forms of fraud, but it will help. The downside of freezing your credit is that if you need to do something such as obtain a new credit card, you have to unfreeze temporarily, which can be a nuisance. I personally have frozen my credit - long before the more recent breaches - and have enrolled with Experian.
===
*https://uclafacultyassociation.blogspot.com/2024/04/mysterian.html.

Posted by California Policy Issues at 9:05 AM No comments:   

Labels: email fraud, UC

New Title IX Regs



New tentative regulations regarding Title IX (sexual harassment and assault) are now out. From Higher Ed Dive:

The U.S. Department of Education on Friday issued its long-awaited Title IX rule, which for the first time enshrines protections for LGBTQI+ students and employees, as well as pregnant students and employees, under the civil rights law that prevents sex-based discrimination in federally funded education programs...

Among other changes, the new rule defines sex-based harassment as including harassment based on sex stereotypes, sex characteristics, pregnancy and related conditions, and gender identity and sexual orientation. It cements federal protections for LGTBQI+ students and employees that have swung between administrations for over a decade.

The regulations also broaden the conditions triggering Title IX protections by changing the definition of sex-based harassment from conduct that is "severe, pervasive, and objectively offensive," to either "severe or pervasive" conduct that must be considered both "subjectively and objectively offensive."

The new regulations also:

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- Require that schools assume an accused student is innocent at the outset of an investigation.
- Give schools the ability to offer an informal resolution process, except in cases of student allegations against employees.
- Require schools to provide breastfeeding rooms for students and employees.
- Protect students and employees with medical conditions related to, or who are recovering from, termination of pregnancy.
- Revive the single-investigator model, which allows an individual to serve as both the case decision-maker and Title IX investigator.
- Provide more discretion to schools and colleges to tailor Title IX policies based on their size, age of students, and administrative structures.
- Make questioning at live hearings optional for colleges and universities.
- Have institutions largely rely on the "preponderance of the evidence" standard often used in civil lawsuits, making optional the "clear and convincing" standard.
- Change the definitions and requirements of a complaint to allow oral requests and not require signatures.
- Slightly narrow the previously widened pool of employees who must notify the Title IX coordinator of discriminatory conduct to excludeconfidential employees, such as guidance counselors or sexual assault response center staff.
- Provide postsecondary institutions flexibility to set their own reasonable time frames to allow parties to review and respond to evidence.
- Removes written notice requirements in elementary and secondary schools...

Source: https://www.highereddive.com/news/education-department-final-title-ix-rule-2024-2022-lgbtq-protections/713684/.

As we have noted before, decisions under Title IX get in trouble with the outside courts when they seem to depart from due process as courts understand the concept. Combining the investigator and decision maker is something that could trigger such concerns. Not having questioning at live hearings could be another. As we have pointed out, courts have a long history of deferring to grievance arbitration as long found in union-management settings including in higher ed because it is seen as providing reasonable due process. Emulating that system, which features decisions by an outside neutral would best insulate Title IX cases from external reversal.

Posted by California Policy Issues at 5:00 AM No comments:

Labels: diversity, politics

Monday, April 22, 2024

Get Together

From the Bruin: *Hillel at UCLA hosted its first interfaith Passover Seder [last] Monday, bringing together students and administrators to build connections across campus. The celebration –*

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*jointly hosted by the **Interfaith Living Learning Community and Dialogue Across Differences** at UCLA – featured readings, Jewish prayers and teaching about Passover traditions. Representatives of local elected officials and university administrators attended the seder, including **Vice Chancellor of Student Affairs Monroe Gordon Jr.** and **Dean of Students Jasmine JS Rush**...*



*The seder was also sponsored by the **University Religious Conference at UCLA** and **the Council of Chaplains at UCLA**. The event was designed to include reflections from students who were not from Jewish backgrounds, said **David Myers, the Sady and Ludwig Kahn Chair in Jewish History and an organizer of the event**. The event featured readings by student leaders taken from the writings of a Catholic priest and about Martin Luther King Jr...*

Religious ceremonies can unify different communities of faith because of the similarities of practice between different religious traditions, including historical similarities between Passover and Easter celebrations, said Myers, who also leads Dialogue Across Difference at UCLA – an initiative dedicated to discussing difficult issues without widening tensions...

Overall, Myers said the event aimed to allow people to come together at a difficult time for the campus community. "Many people feel deeply passionate about what is going on, and we want to create an opportunity and space for people who come from different places to join together in expressing and manifesting hope and dedicating ourselves to activity and action to advance the cause of freedom and redemption," he said.

Full story at https://dailybruin.com/2024/04/17/hillel-at-ucla-hosts-first-interfaith-passover-seder-brings-students-together.

Posted by California Policy Issues at 5:00 AM No comments:  

Labels: diversity, UCLA

Sunday, April 21, 2024

A buried lede at UC-Berkeley

Sometimes, you have to read between the lines of an article. And sometimes, you can read the lines directly but they are buried in a larger story.

In a story in the Daily Cal entitled "Students, ASUC officials grill chancellor on controversial campus speaker, Justice4Ivonne" which deals with a meeting of students and student

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representatives with outgoing Chancellor Christ, we read, "***Christ attended the meeting over Zoom after going back on her decision to come in person, citing safety concerns***."* What does that statement tell you about the campus climate at Berkeley, apart from anything else reported in the article?



===

*https://www.dailycal.org/news/campus/asuc/students-asuc-officials-grill-chancellor-on-controversial-campus-speaker-justice4ivonne/article_ee1ca4c6-fe13-11ee-b761-dfc432a6753c.html.

Posted by California Policy Issues at 10:22 AM No comments:   

Labels: UC-Berkeley

Too Much Mom and Apple Pie?



There is currently a questionnaire being circulated about a revision or update of "True Bruin Values." The problem is that it seems unrelated to recent issues on campus and provides a long list of alternative "values" - all of which are positive and many of which overlap. You can choose among such things as "boldness" and/or "courage." The survey seems to be largely a Mom-and-Apple-Pie PR exercise.

According to the documentation, the purpose of the survey is to:

- *create an active source of inspiration and accountability for the UCLA community;*
- *unite staff, faculty and students with a shared sense of purpose;*
- *strengthen and cultivate diverse perspectives; and*
- *create values that are not just words, but principles that drive the way people navigate UCLA and collaborate with one another.*

Hard to see how the survey will do any of these things.

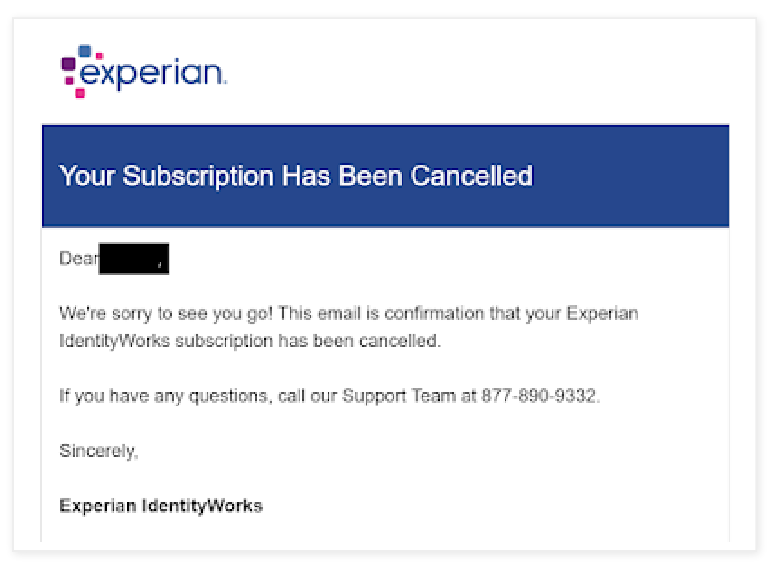
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Posted by California Policy Issues at 5:00 AM No comments:

Labels: UCLA

Saturday, April 20, 2024

Mysterian



experian.

Your Subscription Has Been Cancelled

Dear [redacted],

We're sorry to see you go! This email is confirmation that your Experian IdentityWorks subscription has been cancelled.

If you have any questions, call our Support Team at 877-890-9332.

Sincerely,

Experian IdentityWorks

UC - after a data breach - got everyone a two-year subscription to the credit monitoring agency Experian. When those subscriptions expired, it got new ones. That led to a situation where folks received expiration notices regarding the old ones and had to create new accounts. But now, there are mysterious cancellations of the new ones occurring, as the image above shows.



Yours truly can't solve the mystery as to why this is happening. But he can tell you that ignoring the notice and going into the new account will initially lead to you being told that your password is incorrect. Using the "forgot my password" option and creating a new password restored the account. It wasn't in fact "cancelled."

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That approach may be easier than calling the "Support Team" phone number cited above. At least, it worked for yours truly. Good luck.

Posted by California Policy Issues at 7:52 AM No comments:   

The Sylvia Winstein UCLA Emeriti and Retiree Arts & Crafts Exhibit



The Sylvia Winstein UCLA Emeriti and Retiree Arts & Crafts Exhibit *will be held on Tuesday May 21, 2024 in the Morrison Room at the UCLA Faculty Club from 11:00 am to 4:00 pm. This will be the first joint exhibit sponsored together by the two organizations, with 20+ emeriti and retiree artists exhibiting their work.*

The works are in a wide range of media from photography, drawing and painting to sculpture, ceramics, jewelry, weaving and calligraphy. Featured artists are Michelle Shin, a landscape painter representing the Retiree Association, and Jill Waterman, a watercolor artist from the Emeriti Association. Please join us as all of these passionate artists share their work.

Address: Morrison Room, UCLA Faculty Club, 480 Charles E Young Dr E, Los Angeles, CA 90095

Register: https://retirees.ucla.edu/event-5627748/Registration.

Posted by California Policy Issues at 5:00 AM No comments:  

Labels: uc retirement, UCLA

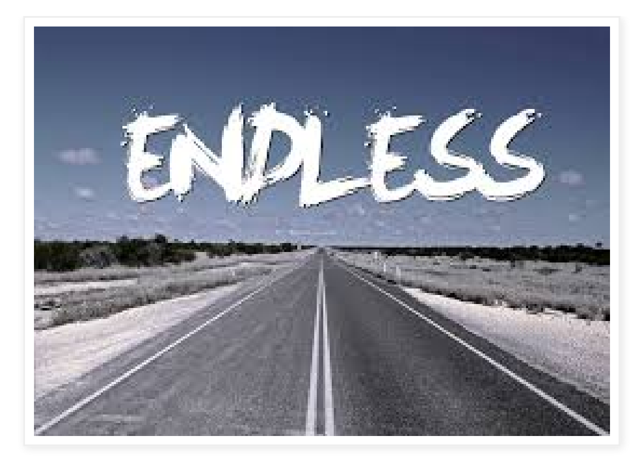
Friday, April 19, 2024

The (Seemingly) Endless Story

Up until now, the Gino/Harvard Business School story has involved allegations of data manipulation (by someone). If you haven't been following this tale, use the search engine on this blog and type in "Gino." But now there are new allegations - plagiarism. From Science:

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Harvard University honesty researcher Francesca Gino, whose work has come under fire for suspected data falsification, may also have plagiarized passages in some of her high-profile publications. A book chapter co-authored by Gino, who was found by a 2023 Harvard Business School (HBS) investigation to have committed research misconduct, contains numerous passages of text with striking similarities to 10 earlier sources. The sources include published papers and student theses, according to an analysis shared with Science by University of Montreal psychologist Erinn Acland.

Science has confirmed Acland's findings and identified at least 15 additional passages of borrowed text in Gino's two books, Rebel Talent: Why it Pays to Break the Rules at Work and in Life and Sidetracked: Why Our Decisions Get Derailed, and How We Can Stick to the Plan. Some passages duplicate text from news reports or blogs. Others contain phrasing identical to passages from academic literature. The extent of duplication varies between passages, but all contain multiple identical phrases, as well as clear paraphrases and significant structural similarity.

Gino is "steadfast in her commitment to uncovering the truth in each instance, responding decisively and correcting the record if necessary," her lawyer, Andrew Miltenberg, said in a statement. "It is wildly unfair and prejudicial to litigate these accusations in the volatile domain of public opinion. History has shown the peril of premature judgment, particularly within the scientific community, where reputations can be irreparably tarnished." The HBS investigation recommended the university begin the process of terminating Gino's employment, and her institutional profile has stated since June 2023 that she is on administrative leave...

Full story at https://www.science.org/content/article/embattled-harvard-honesty-professor-accused-plagiarism.

Posted by California Policy Issues at 5:00 AM No comments:

Labels: Harvard, plagiarism

Thursday, April 18, 2024

Just saying...

Two chancellor searches were initiated at about the same time: One for UC-Berkeley and the other for UCLA. As blog readers will know, the Berkeley process ended with the unveiling of the

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incoming chancellor at the Regents meeting of April 10th.



So, one could also note that there was no similar announcement of an incoming UCLA chancellor, nor has there been one since. As of this morning, there is no listing of a special Regents meeting on the Regents' website to consider such a candidate.

Just saying...

Posted by California Policy Issues at 10:36 AM No comments:   

Labels: UC Regents, UCLA

Circumventing the Regents - Part 2



Here's an update on the bill that would circumvent the Regent's decision not to pursue a legal test of whether UC, as a state entity, could hire undocumented students. (Yours truly admits to being slow in catching up on developments.) From the Bruin:

The Assembly Higher Education Committee approved Assembly Bill 2586 – also known as the Opportunity for All Act – introduced by Assemblymember David Alvarez, who represents the state's 80th Assembly District. If passed by the state legislature and signed into law, the bill would provide equal opportunity, nondiscriminatory employment opportunities for students without documentation in the UC, California State University and community college systems...

After the board's subsequent decision in January to reject its implementation plan and defer the consideration of other efforts for a year, the Opportunity for All campaign – a student-led, UC-wide advocate coalition for undocumented students – had to break new legal ground, said Ahilan Arulanantham, faculty co-director of the Center for Immigration and Law and legal counsel for Opportunity for All. Arulanantham said he was well aware of the bill before the regents' January decision [to drop the effort], though he initially thought it would be an unnecessary measure...

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Full story at https://dailybruin.com/2024/04/14/opportunity-for-all-advances-in-state-legislature-with-new-bill.

Posted by California Policy Issues at 5:00 AM No comments: 

Labels: community colleges, CSU, diversity, legislature, politics, UC

Wednesday, April 17, 2024

Watch the Regents Meeting of April 10, 2024



We're catching up with the Regents' April 10th meeting which - as we already noted - included the announcement of the new Berkeley chancellor.* At public comments, topics discussed included collective bargaining of interns, sexual assault services funding, antisemitism in a course at the UCLA med school and other related incidents, anti-Israel divestment, and Blackrock.

After the session on naming the new Berkeley chancellor, the Health Services Committee heard a discussion of the changing economics of medical education, research, and hospitals. UC were reported to receive less state support than the average of public university med programs but more in research gants. Clinical revenue was said to be subsidizing the other functions, but it is being squeezed by lower reimbursements from Medi-Cal, Medicare, and private insurance. Insurers don't like university hospitals because of higher charges and there are only 5 major insurance companies now who are in a position to exert monopsonistic power over charges. That has led public university health systems such as at UC to grow to attain offsetting bargaining power. There is danger in the future that the enlarging clinical side will tend to overwhelm the academic side. UC was said to be the second largest provider to Medi-Cal but the general public and the legislature is unaware of this contribution.

The meeting then turned to services for sexual assault victims with a particular focus on UC-Merced which doesn't have a med school.

Finally, Academic and Student Affairs heard discussion of various med programs and approved tuition increases for them.

As always, we preserve the recordings of Regents meetings indefinitely because the Regents have no policy on duration of preservation.

The general website for the April 10th meeting is at:

https://archive.org/details/regents-board-public-comment-4-10-2024.

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The public comments segment is at:

https://ia800300.us.archive.org/6/items/regents-board-public-comment-4-10-2024/Regents-Board%20public%20comment%204-10-2024.mp4.

The Berkeley chancellor announcement is at:

https://ia600300.us.archive.org/6/items/regents-board-public-comment-4-10-2024/Regents-Board%20UC-Berkeley%20chancellor%204-10-2024.mp4.

Health Services is at:

https://ia800300.us.archive.org/6/items/regents-board-public-comment-4-10-2024/Regents-Health%20Services%204-10-2024.mp4.

Academic and Student Affairs is at:

https://ia800300.us.archive.org/6/items/regents-board-public-comment-4-10-2024/Regents-Academic%20and%20Student%20Affairs%204-10-2024.mp4.

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*https://uclafacultyassociation.blogspot.com/2024/04/new-berkeley-chancellor.html and https://uclafacultyassociation.blogspot.com/2024/04/new-berkeley-chancellor-part-2-things.html.

Posted by California Policy Issues at 5:00 AM No comments:   

Labels: UC Regents, UC-Berkeley, UC-Merced

Tuesday, April 16, 2024

Has the worm turned...

...on Medicare Advantage?



Medicare Advantage (MA) plans - a privatized version of Medicare for those who are Medicare-eligible - now account for more than half of all Medicare recipients. These plans are advertised on TV and elsewhere, mainly to retirees, and seemingly provide a cheaper option than traditional Medicare with an insurance supplement. To entice enrollment, they generally tout add-ons such as gym memberships. In principle, the plans are to provide whatever traditional Medicare would. But once retirees enroll, actual eligibility for procedures is determined by the insurance company.

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For many years, there have been allegations that the federal government is overpaying insurers on a risk-adjusted basis, thus accounting for the promotion and grown of MA plans. UC in particular offers an MA option which is cheap compared with the traditional Medicare+supplement package. At one time, UCOP - or some within UCOP - seemed to have a grand plan to offer only MA to retirees and emeriti, although that effort was halted after protests. So the question at UC and nationally now is what happens if the feds decide they are overpaying and begin to cut back. Many UC retirees and emeriti have gone the MA route because it is cheap. Now it appears that anticipated development at the federal level is beginning to occur. From Yahoo Finance:

Health insurers usually breathe a sigh of relief after the federal government posts final Medicare Advantage payment rates. Normally, after a public comment period (and aggressive industry lobbying), regulators finalize a friendlier notice than what they originally put out. That was not the case ...when the Biden administration finalized MA rates for 2025 essentially unchanged from a proposal that had industry up in arms earlier this year. It's a modest base rate cut, though regulators stressed that insurers will still get billions of dollars more in 2025 than they will this year after coding for members' medical conditions.

Still, shares in major MA players including UnitedHealth, Humana, Elevance, CVS and Centene fell Monday after the rates, which Leerink Partners senior research analyst Whit Mayo deemed "well below expectations," were finalized. Insurer lobbies slammed the rule, with groups like the Better Medicare Alliance and AHIP arguing it doesn't account for rising care utilization among Medicare seniors and will force payers to reduce benefits and raise premiums...

Full story at https://finance.yahoo.com/news/biden-administration-finalizes-modest-cut-164714253.html.

Posted by California Policy Issues at 9:59 AM No comments:

Labels: health care, uc retirement

Circumventing the Regents



There is a bill kicking around in the State Assembly's Higher Ed committee that would do what the Regents didn't do: Require UC (and CSU and the community colleges) to hire undocumented students. A proponent argues that if the state mandates UC to do it, even if the federal government sued, individuals at UC would be protected because they would just be following state law.

Bill AB 2586

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The people of the State of California do enact as follows:

SECTION 1. Article 3.8 (commencing with Section 66029) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read: 3.8 Campus Employment 66029.

(a) A campus of the The University of California, California State University, or California Community Colleges shall not disqualify a student from being eligible to apply hired for an employment position at the campus due to their failure to provide proof of federal work authorization, except in either of the following cases:

(1) Where that proof is required by federal law.

(2) Where that proof is required as a condition of a grant that funds the particular employment position for which the student has applied.

(b) For purposes of this section, each campus of the University of California, the California State University, and the California Community Colleges shall treat the prohibition on hiring unauthorized aliens undocumented noncitizens in subdivision (a) of Section 1324a of Title 8 of the United States Code as inapplicable because that provision of federal law does not state that it applies to apply to any branch of state government.

(c) To the extent student employment is considered a benefit for purposes of federal law, this statute shall constitute authorization to provide that benefit for purposes of subdivision (d) of Section 1621 of Title 8 of the United States Code.

(d) The University of California, the California State University, and the California Community Colleges shall adopt regulations to implement and administer this article within 90 days of the effective date of the act adding this article. by January 6, 2025.

(e) Consistent This article shall apply to the University of California, unless it is found to be inapplicable to the University of California, then, consistent with Section 67400, this article shall apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, make it applicable.

SEC. 2.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Source: https://digitaldemocracy.calmatters.org/bills/ca_202320240ab2586.

Note that ultimately the Assembly and the Senate would have to enact the bill and the governor would have to sign it before it became law.

Posted by California Policy Issues at 5:00 AM No comments:  

Labels: diversity, governor, legislature, politics, UC Regents

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Monday, April 15, 2024

Second VP Jam Likely This Afternoon



From the Santa Monica Patch this morning: *The southbound San Diego (405) Freeway has been closed in the Brentwood area as Vice President Kamala Harris prepares to travel to Los Angeles International Airport for a flight to Las Vegas.*

> ***She is expected to return to LAX at 5 p.m., likely leading to a northbound freeway closure during the afternoon rush hour.***
>
> *The Secret Service does not publicize motorcade routes, but freeways do shut down for the vice presidential motorcade. It is not clear how long Harris will remain in the area.*
>
> Source: https://patch.com/california/santamonica/s/ivxaw/vice-presidential-motorcade-shuts-down-405-freeway.

Posted by California Policy Issues at 1:05 PM No comments:  

Labels: traffic, UCLA

Regent John Pérez's Thinking on Recent Events

John Pérez is one of the more influential members of the Board of Regents. In the past, he chaired the board. He also has had a political career as speaker of the State Assembly and as political director of the California Federation of Labor. In an interview with Politico, he reflected on recent events at the Regents including protests that temporarily shut down a meeting, recent events connected to the Berkeley Law School, the issue of departmental political statements, and related matters. I suspect his thinking on these issues reflects opinions of a majority of the Board. Worth reading:

'The Antisemitism Is Absolutely Disproportionate'

"The students overstepped the line," says UC Regent John Pérez.

By Melanie Mason 4/14/2024

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The fractious, sometimes violent debate over the Israel-Hamas war on college campuses has not cooled, even as the conflict enters its sixth month. College administrators have struggled to figure out the right balance between some students' rights to free speech and others' rights to be protected from discrimination and harassment.



That debate erupted at UC Berkeley this week when a dinner for graduating students held at the home of law school dean Erwin Chemerinsky devolved into a heated confrontation when a Muslim student disrupted the event to make a pro-Palestinian speech and was physically confronted by Chemerinsky's wife, Catherine Fisk.* A fierce fight about freedom of speech — and accusations of anti-Muslim and anti-Jewish bias — quickly followed.

The debate at Berkeley is particularly notable since the campus was the birthplace of the student Free Speech Movement in the 1960s. The crown jewel of the University of California system is now under investigation by both the federal Department of Education and House Republicans about its on-campus antisemitism.

One of the administrators navigating this crisis is John A. Pérez, who sits on the Board of Regents for the University of California, the governing body of the sprawling 10 campus public university system that has nearly 300,000 students. Pérez, who attended Berkeley as an undergraduate, is used to the political spotlight, having served for four years as the state's Assembly speaker. In an interview, Pérez told POLITICO that the student protest at Chemerinsky's home crossed a line and described how campus leaders can do more to push back on what he sees as a dangerous surge in campus antisemitism.

This transcript has been condensed and edited for clarity.

Let's start with the protest and confrontation at Dean Chemerinsky's home in Berkeley. Do you think that the students stepped over the line by interrupting this dinner? Did the dean or his wife, Professor Catherine Fisk, step over the line in shutting down their remarks?

The students overstepped the line by disrupting a purely social event at a private home that was intended to celebrate the collective accomplishments of all the third-year law students. They telegraphed their opposition by calling for a boycott [in advance of the event] — that was fine, that was completely within their rights. But they did it in a horrific way, by employing an antisemitic caricature of Dean Chemerinsky.

What's interesting is Dean Chemerinsky is a nationally renowned First Amendment expert. And even though he was offended and hurt by the caricature, he defended their right to employ it. He has been the most consistent protector of First Amendment rights of students and student protests as well as others, even when he's the target of it.

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That's different than what the students ended up doing, which is going to the house, disrupting the event, refusing to leave when asked to leave, confronting and asserting a First Amendment right that I don't believe they had at a private home and then asserting that they had legal representation to do it. When Professor Fisk again asked them to leave and they didn't, and then she confronted and tried to take away the mic, I'm sure in retrospect, she wished she would have handled that slightly differently. But that doesn't forgive the act of the students disrupting and violating the private personal space and refusing to leave when asked.

What should be the consequences for these students?

So these are my individual opinions as somebody who believes in the right to protest, somebody who's engaged in a lot of protest on the Berkeley campus, myself, and somebody who's deeply concerned about campus climate and creating an environment that neither stifles free speech, but also doesn't victimize and marginalize people.

Students broadly have been put on notice that if there's further disruptions, folks will be turned over to Student Conduct and appropriate evaluations will be made. The question becomes whether the campus decides to engage in a student conduct investigation of this and whether the students involved will say they didn't have fair notice that this crossed the line. That's something that the campus has got to wrestle with. And I think the campus could come to either conclusion in defensible ways. They can come to the conclusion that students could have misinterpreted this because it's hosted by the dean as being the same as anything on campus. And the campus can also come to the conclusion that my God, these are third-year law students at one of the top law schools in the country, and that they should have a better understanding about the consequences of their actions.

UC Berkeley, in particular, is in the national imagination as a place of protests — during the Vietnam War in particular. Do you feel like these current protests on campus are different than protests in the past? And if so, how?

I do think they're different.

In each of those waves of previous protests, there was a notion from students that engaging in the protest had to serve the purpose of bringing people along in an area of debate, creating space to protest, but also to change minds and bring people in the direction of the justice that they were trying to seek. But there was also a concept of consequences associated with protest. If you want protest without consequence, what you really want is performance. And I think that right now we're seeing folks engaging in disruption, without an understanding or appreciation for what consequences can come up with it, which I think can sometimes be performative.

Second, it feels like much of the protest now isn't, at least from my perspective, effective in trying to move debate and create space to find a new common ground that aligns with the justice that the protesters are seeking. When it's disruption for the sake of disruption, as opposed to civil disobedience to capture attention and create space for debate, I think it serves a fundamentally different [purpose].

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When you look at the Free Speech Movement, it was about creating the space for all debate, including debate that one disagrees with. What we've seen of late is something very different, which is shutting down debate. Last year, at Berkeley Law School, student groups passed a series of resolutions, essentially banning debate, saying that holders of "Zionist viewpoints" would not be allowed to come [to their events]. That's very different. It's one thing to say any given organization shouldn't be compelled to invite somebody who has a viewpoint that's contrary to theirs. But to say that we want to ban a whole section of debate is inherently problematic in society. It's particularly problematic in law school, and particularly problematic in a law school centered in a place that in many ways was the birth of the free speech movement on university campuses.

There has been a horrible spike in antisemitic activity across college campuses across the country, but particularly at elite universities, and there's been a spike in the community more broadly as well. And I don't think that we, societally and we, as university leaders, have done enough to push back against this spike in antisemitism.

I don't know. I struggle with this. One theory is that there's been significant funding of organizations on elite campuses to push back against the policies of the state of Israel. Second, you look at a student population that is generationally different in its worldview than folks of my age. I'm in my 50s. My fundamental experiences looking at the state of Israel are different than somebody in their 20s. Somebody in their 20s has grown up with an Israel that's been disproportionately governed by the Netanyahu government, and a government that has been more conservative. Somebody of my age would've seen a variety of different expressions of leadership in Israel. I think it's allowed for a certain shorthand that I think is ahistoric.

I think you can be, as I am, a supporter of the existence of the state of Israel and the ability of Israel to defend itself and a critic of the current administration leading Israel and the policies of the administration. You can be a critic of government there just like you can be a critic of government here. So I could be a critic of a Trump administration and a supporter of America, somebody else can be a critic of the Biden administration and still a supporter of America. We don't seem to have a generational ability to afford that same duality with respect to viewing Israel.

But it goes further than that. What we're seeing is stuff that we saw in the Chemerinsky caricature, which goes back to old antisemitic tropes — blood libel with respect to the way they depicted Erwin with the bloody knife and fork — and a sense that we're holding all Jews accountable for anything that we find problematic with respect to the situation [in Gaza] unless and until they actively renounce and reject Israel. That's really problematic. It really goes against all of the standards of community that we have.

If it was any other group, we wouldn't do it. We're not seeing on college campuses, attacks and questioning every student of Russian heritage because we take issue with the Putin administration, and what they've done in Ukraine and other places around the world. We're not seeing where we're attacking every Muslim student, because we take issue with what Hamas did on Oct. 7. One can debate the space between anti-Zionism and antisemitism. But one would have to have serious blinders not to recognize that what's happening on college campuses,

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UCs included, is a series of activities that are targeting Jewish students because of their identities, making them feel unsafe and apart from the rest of the community in a way that really should have no place in our society and no place on our college campuses.

But we have seen spikes in incidences of Islamophobia and anti-Arab sentiment, too.

Absolutely.

Are you saying that the antisemitism we're seeing is disproportionate?

The antisemitism is absolutely disproportionate. We reject both. We reject all forms of hatred. But what we're not seeing is massive student protests targeting every Muslim-identified student, asking students of Muslim or Arabic background to denounce or renounce something that they have no part in. The numbers and the spikes are vastly different, and the types of incidences are vastly different.

I was on the Los Angeles City Human Relations Commission, I think I was president at the time in 2001 when 9/11 happened. We immediately came together and said, 'how do we avoid an irrational targeting of Muslim members of our community in the wake of the response to 9/11?' Now that said, we saw spikes in anti-Muslim activities, Islamophobic activities. That was problematic and offensive. And we've seen some of that now, and we have to speak out against that.

It's interesting to me that the only time where we have to do this both sides-y rejection is when the victims are Jewish. When we saw a spike in anti-Asian hate crimes over the last couple of years, there was no immediate pushback that said, now you have to reject these other forms [of hate]. In fact, after George Floyd, when we were talking about Black Lives Matter, there was a clear distinction that if you responded by saying, "All Lives Matter," that yes, that's true that all lives matter, but if you were doing it reflexively you are denying the real pattern and problem of what was happening in the African American community. So we've got to be careful in that we should be able to have a conversation about the spike in antisemitism, the very clear expression of antisemitism, without then having to do a litany of [denouncing other forms of hate in order] to renounce the antisemitism.

There are a number of California campuses, including three UC campuses — Berkeley, UCLA and San Diego — that at the moment are under investigation by the federal Department of Education in the wake of the Oct. 7 attacks because of discriminatory incidents. What can you tell us about where those investigations stand?

I can't tell you anything about where those investigations stand. I'm not fully read in on the moment to moment of the investigations. And to the extent that I know anything in the middle of an investigation, it would be inappropriate for me to comment.

But at a certain level, there's got to be a gut check. When you look at something, does it look right? And then can you go and figure out a way to confirm that your inclinations are correct, and that you can create defensible policies based on that? It was right that you asked about the 1960s in the Free Speech movement, and the antiwar movement. We're 60 years later. We should have learned from 60 years. How do we adjust in real time? On many college

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campuses, there's been such an orthodoxy around the First Amendment that there hasn't been enough debate about how it exists in conflict with these other protections.

Let me give you an example of where I think students broadly would say the First Amendment should have limits — sexual harassment. We know that we can regulate certain speech that is, in fact, sexual harassment. At what point does the First Amendment come into conflict and into tension with other sets of laws and other protections? Again, I'm not a lawyer. I'm not a constitutional scholar. But there's some basic common sense questions that are asked.

Another question around these free speech issues is directly on your plate as a regent. The regents are considering banning political statements from the department homepages. It's largely been seen as a response to faculty groups posting critical statements of Israel and its conduct in Gaza. That vote has been delayed twice.

Who's the person that moved to delay the votes?

It was you.

It's an important area of debate and there hasn't been enough work to land in the right place. And this does cut to the core of who we are. We shouldn't have unreasonable restrictions on speech. And that speech can take many forms including posting on websites. When the first policy came forward, I didn't think enough work had been done. So I moved to put it off. And this last one, I don't know if I made the ultimate motion to put it off or not, but I think I did, again, because there's more work.

Any regulation has to be content neutral. What I did say at the last meeting is the timing of it makes the action suspect. Had we done this a few years before, without the current tension, it would be less suspect than it is right now. Now, college campuses have free speech zones. Public buildings have places where free speech is and is not allowed. I think it's reasonable to say that as we move to a world that significantly exists and people interact with online, you can make distinctions between places where you have official business versus opinion. It's appropriate. Newspapers have editorial and opinion pages and letters to the editor. Websites don't do as good a job, in my opinion, of moderating comments, but there's a distinction between editorial space, news space, opinion space. I think it's reasonable to try to find that distinction if it's 1) content neutral, and 2) provides an equally accessible way to access people's opinions.

I'd like for you to put on your jersey as a lifelong Democrat for a moment. You know that a crucial part of your party's coalition depends on young people. When you see the intensity of the reaction to the Israel-Hamas war on campus and the criticism that Biden is getting for how he's been handling this, does that make you worried for November?

You've seen the Biden administration's view and interaction with Israel evolve in real time based on real circumstances. Biden, who has a lifetime record of having a very positive relationship with Israel, has also been trying to hold the Netanyahu administration accountable and pushing back. Is that enough to satisfy the critics? Of course not. It's appropriate to have tension. But in the end, elections are about choices. This is going to be a question about Biden versus Trump.

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Students, like everybody else, need to look at the totality of everything that they're offering as candidates and I think that young people will once again overwhelmingly vote for Biden.

That sounds to me like you're not very worried.

No, no. I'm worried. But I'm also hopeful. This doesn't happen magically. It happens by having conversations, by engaging voters, by talking to voters, by looking at what's at issue. It's not enough to say, "Hey, young people are going to be so offended by what Trump is doing on abortion..." You have to speak to the concerns that they've articulated.

You're Mexican American and grew up with deep ties to the Jewish community in east L.A. This week, a new poll said 40 percent of Latinos support a cease-fire and nearly 40 percent believe the U.S. should not be involved in the conflict. Does it concern you that these two communities that you have been so much a part of seem to have a fraying relationship?

It worries me that Americans writ large are becoming more isolationist. There's not only an interest in us playing less of a role in the conflict in the Middle East, but there's a spike in folks wanting us to play less of a role in the conflict between Russia and Ukraine. But yes, it bothers me that there's less of a connection between communities that have historically been connected. But Latinos exist in the same world that everybody else does. Latinos are a disproportionately young community — younger on average than just about any other ethnic group. And young people have grown up with 20 years of the Netanyahu administration that they increasingly take issue with.

Latinos also are horrified by what happened on Oct. 7. Absolutely horrified — by murder, by rape, by torture, by kidnapping. Part of the problem with a poll is what question you're asking. What does cease-fire mean? Does cease-fire mean a temporary cease-fire, does it mean an effort at sustainable peace? I'm somebody who's supportive of cease-fire. It can't be unilateral. It doesn't work that way.

Putting the polls aside, do you sense a fraying in the relationship between Jews and Latinos?

I think there's a little fraying in the relationship but what I think we're seeing is a national spike in antisemitism and it expresses itself in every community. Latinos don't exist in a bubble. And there has been a persistent rise in antisemitism. And it goes unchecked in ways that discriminatory actions against other communities do not go unchecked.

When somebody on a college campus targets a Muslim student for identity, targets a Muslim woman for wearing traditional garb, there is offense taken and a pushback. The same isn't expressing itself when we're seeing antisemitic acts. At the last Regents meeting, protesters erected an effigy, in violation of policy, of a bloody pig holding a cage, bags of money and [it] said "UC regents time is running out." Protesters came and took over the Regents meeting and the room was cleared. I think three of us stayed in the room to listen. Nobody took the opportunity to speak to the three of us. It was just chants. And the chants weren't about a policy, the chants were about Jews. They were about Jews. It wasn't about this university policy or that

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university policy, it wasn't even that the regents need to divest. It was about Jews. It was antisemitic.

What were the chants?

"We've got to go after these Jews." "We got to stop the Jewish lobby." It was very clear.

We have gotten to a point of both sides-ism in this question, which is completely not constructive. When I go around to different college campuses, I tend to meet with a cross section of students and faculty. I have only in my 14 years on the board been challenged once about trying to meet with a group of students. And it was trying to meet with a group of Jewish students on a campus where there have been efforts to target their Hillel. The campus told me that if you meet with Jewish students, you have to meet with the Muslim students. I said, "I'm meeting with students at Hillel because Hillel was targeted." There's no balancing that needs to happen. If you asked me to meet with Muslim students because I'm on campus, I'm happy to do it. But it can't be because I'm meeting with Jewish students. When I go meet with Latino students, I don't have to go balance that by meeting with somebody else. When I go meet with LGBTQ students, I don't have to balance that with meeting somebody else. When I go meet veteran students that are dealing with the complexity of coming back after having served and navigating a college campus, I'm not told you now have to go meet with another group. The only time it's ever happened was in one instance trying to meet the Jewish students. It shouldn't be the case.

Anything else you'd like to add?

I take all of this personally. I take it a little more personally at a UC because I have responsibility for UC. I take it a little more personally still at Berkeley because it's such an important part of my life experience. Berkeley is the first place where I ever experienced a Ramadan. Berkeley was the first place I ever meaningfully engaged with the Muslim student community and navigated making sure that we were an inclusive campus for Muslim students. As you mentioned, I have a clear, very personal tie to the Jewish community. But that's not an exclusion of a tie and an interest in the Muslim community. Having a deep connection to one community doesn't mean that there's not a concern and care for another.

Source: https://www.politico.com/news/magazine/2024/04/14/a-california-regent-confronts-the-limits-of-free-speech-00152103.

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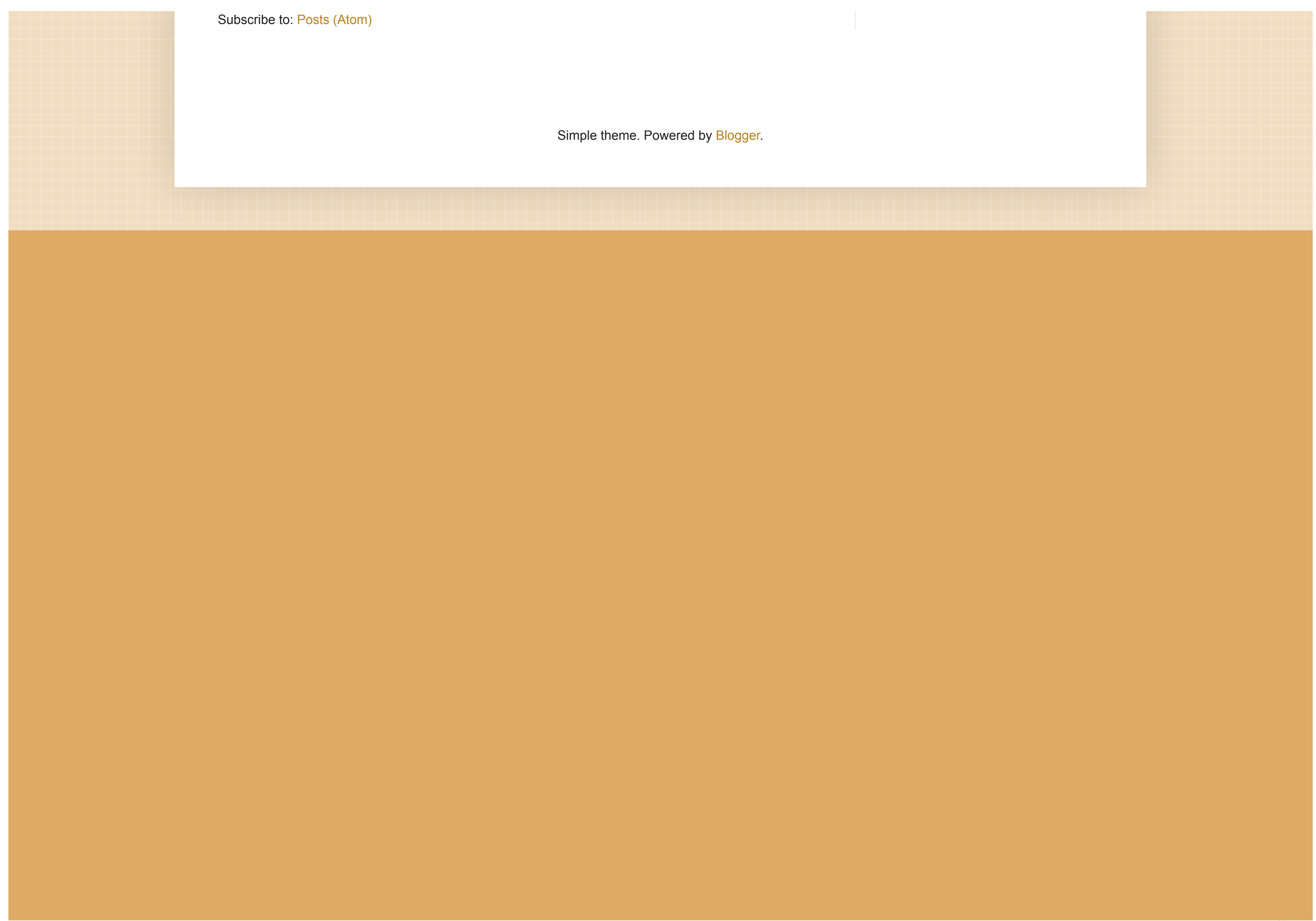
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